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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,761	12/01/2003	Jean-Claude Mayet	5460-2	3281
27799	7590	01/18/2006	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			KNABLE, GEOFFREY L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/725,761	MAYET, JEAN-CLAUDE
	Examiner Geoffrey L. Knable	Art Unit 1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1733

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayet (US 2002/0117265) or Mayet (US 2002/0117251).

These references are applied for mostly the same reasons as set forth in the last office action. As to the amendments to claim 1, while it is agreed that these amendments define over the movement along the direction marked "P", it is still considered that these references include movement capabilities that would satisfy the noted claims as amended for several reasons. First, note that Mayet '265 (as well as Mayet '251) also indicates a movement capability for the support around an axis parallel to the orifice movement plane - e.g. note direction "Q" in fig. 1 as well as paragraph [0085]. Such movement would be in a plane parallel to the axis of the form and would have a "component" of movement¹ in a direction parallel to the axis as now claimed (i.e. rotation as suggested would seem to necessarily have components of movement in both the axial direction as well as directions perpendicular thereto). Mayet '251 has a similar disclosure and thus likewise is still considered to read on this claim as amended.

As to claim 2, reading this claim as requiring movement in the axial direction (as opposed to only requiring a component of movement in this direction), the above noted movement along direction "Q" would not satisfy this claim. However, and as noted in

¹ It is noted that the new reference to a "component" of movement being parallel to the rotation axis is considered to have descriptive support in the original disclosure, especially in light of the broad movement capability defined in original claim 1 as well as the clear overall goal of the inventive device to provide a degree of freedom that allows an increased ability to lay cords in wide widths parallel to the rotation axis as discussed by applicant.

the last office action with respect to claim 2, note the sliding movement capability in Mayet '265 (also present in Mayet '251) of a first arm 31 that supports the actuating arm (e.g. note paragraph [0073] and [0074] as well as [0075]), this sliding movement being considered to provide a degree of freedom of movement along a direction parallel to the axis of the form since this first arm can be oriented along the axial direction (in which case it would be sliding along the axial direction). In other words, it is submitted that the arm "31" (esp. fig. 10 but applicable to the other embodiments as well) can be termed a "support" mounted on means (3D) that allows movement of the support relative to the frame, this support "31" supporting the actuation mechanism (in the form of arm "32") for movement that can be parallel to the rotation axis and including a component parallel to this axis. Such movement capability would satisfy both claims 1 and 2. As to claim 3, a single arm supports the cord-laying element. As to claim 4, taking the first interpretation (e.g. movement "Q"), plural arms (e.g. 31, 32) are contemplated. As to claim 8, the device clearly is operable in synchronism as claimed - e.g. paragraphs [0050] and [0066].

3. Claims 1 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayet (US 2001/0023736).

Mayet '736 is applied for substantially the same reasons as set forth in the last office action. As to the amendments to claim 1, as above, while it is agreed that these amendments define over the movement along the direction marked "P", it is still considered that this reference includes movement capabilities that would satisfy the noted claims since Mayet '736 also indicates a movement capability for the support

Art Unit: 1733

around an axis parallel to the orifice movement plane - e.g. note direction "Q" in fig. 1 as well as many other figures as well as paragraphs [0069], [0073], [0077]. Such movement would be in a plane parallel to the axis of the form and would have a "component" of movement in a direction parallel to the axis as claimed (i.e. rotation as suggested would seem to necessarily have components of movement in both the axial direction as well as directions perpendicular thereto).

4. Applicant's arguments filed 11-3-2005 have been fully considered but they are not persuasive.

As noted within the statement of rejection, it is agreed that the claims as amended define over the movement along the direction "P" indicated in the references. For reasons detailed within the statements of rejection above, it however is still considered that these references suggest devices that have movement capabilities that would satisfy the claims as amended.

Additionally, in reference to the examiners' comment with respect to claim 2 in the last office action (referencing paragraphs [0073] and [0074] of Mayet '265), applicant has pointed out that this movement capability is with respect to adjusting the distance between arms 3D and 32 and not movement of the support 30 relative to the toroidal form. This argument is still relevant to the reformulated rejections above, it being noted that this is one of two alternative interpretations of Mayet '265 (and '251) that is still considered to satisfy the noted claims. However, in this interpretation, it is the examiner's position that the arm "31" (esp. fig. 10 but applicable to the other embodiments as well) can be termed a "support" mounted on means (3D) that allows

Art Unit: 1733

movement of the support relative to the frame, this support "31" supporting the actuation mechanism (in the form of arm "32") for movement that can be parallel to the rotation axis and including a component parallel to this axis. Such movement capability would satisfy both claims 1 and 2.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
January 12, 2006